April 16, 2019

The Honorable Mark Stone
Chair, Assembly Judiciary Committee
State Capitol
Sacramento, CA 95814

RE: Assembly Bill 1184 (Gloria) – Oppose [As Amended March 25, 2019]
Hearing Date: April 23, 2019 – *Assembly Judiciary Committee*

Dear Assembly Member Stone:

The California Special Districts Association (CSDA), League of California Cities (LCC), California Downtown Association (CDA), and the Association of California Healthcare Districts (ACHD) are respectfully opposed to Assembly Bill 1184, which will require all public agencies to maintain all transmitted emails for at least two years.

As currently drafted this is not a transparency bill, it is a data storage bill. This bill places an unfunded mandate on public agencies by amending the California Public Records Act (CPRA) to store every transmitted email for at least two years. This bill creates no new disclosures or exemptions of records. The public will have no greater access to public records, nor will they have less. This bill only requires public agencies to spend money on data storage, and by placing the provision in the CPRA the State will avoid constitutional requirements to reimburse public agencies for the data costs associated with the higher level of service required by the bill. There is no value to saving out-of-office emails, auto-reply emails, or insignificant emails that are not subject to disclosure under the CPRA for two years, but under this bill, public agencies will have no choice. Currently, if an email is a public record that requires disclosure under the CPRA, it is retained. If it is not a public record, then agencies have the authority to adopt policies to delete the email, allowing them to save money by not unnecessarily storing useless emails that have no value to the public.

While we look forward to analyzing proposed amendments that would narrow the scope of the bill, at this time, our organizations must relay our opposition to AB 1184 as it is in print. Should you have any questions about our position, please contact Dillon Gibbons (CSDA) at 916-442-7887, Dane Hutchings (LCC) at 916-658-8200, Andrew Thomas (CDA) at (310-470-1812), or Amber King (ACHD) 916-266-5207.

Sincerely,

Dillon Gibbons
Sr. Legislative Representative

Dane Hutchings
Legislative Representative

Andrew Thomas
President

Amber King
VP, Advocacy & Membership

CC: The Honorable Todd Gloria
Members, Assembly Judiciary Committee
Thomas Clark, Staff Counsel, Assembly Judiciary Committee
Paul Dress, Consultant, Assembly Republican Caucus